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2 PUBLIC SCOPING MEETING RE:  
3  
4 DRAFT ENVIRONMENTAL IMPACT STATEMENT  
5 PUBLIC HEARING  
6 BAJA CALIFORNIA POWER, INC., AND SEMPRA ENERGY RESOURCES  
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10  
11 Calexico, California  
12 July 14, 2004  
13 6:00 p.m. to 8:00 p.m.  
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18 RAYNBO COURT REPORTING, LTD.  
19 3625 West Gailey Drive  
20 Tucson, Arizona 85741  
21 520/744-2293  
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24  
25 Reported by: Sandalee Moring, CCR  
Certified Court Reporter No. 50295

PUBLIC SCOPING MEETING  
7/14/04

1 PUBLIC SCOPING MEETING  
2 Calexico, California  
3 July 14, 2004  
4  
5 APPEARANCES:  
6 ANTHONY COMO, Department of Energy  
7 ELLEN RUSSELL, Department of Energy  
8 RICHARD AHERN, Department of Energy  
9 LYNDA KASTOLL, Bureau of Land Management  
10  
11  
12 \* \* \* \*  
13  
14 BE IT REMEMBERED that pursuant to notice the above  
15 Public Scoping Meeting was taken in the CITY HALL OF  
16 CALEXICO, 608 Herber Street, in the City of Calexico, County  
17 of Imperial, State of California, before Sandalee Moring,  
18 CCR, Certified Court Reporter No. 50295, in and for the  
19 County of Pima, State of Arizona, on the 14th day of July,  
20 2004, commencing at the hour of 6:00 p.m. on said day.  
21  
22 \* \* \* \*  
23  
24  
25  
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1 MR. ANTHONY COMO: Okay. I guess we can open the  
2 hearing.

3 My name is Tony Como. I am with the U.S.  
4 Department of Energy. With me today is my colleague, Ellen  
5 Russell. From the Bureau of Land Management, we have Lynda  
6 Kastoll. Also in our audience is Rick Ahern from our DOE  
7 Office of General Counsel.

8 We have two gentlemen over here on the side, Kurt  
9 Pisol and Dave Tamaso. They are with Argonne National  
10 Laboratories. They are consultants for DOE and BLM. They  
11 are actually doing the environmental and the technical  
12 analysis that help us prepare the EIS form.

13 Let me spend a couple minutes and tell you how we  
14 got to where we are today, why we are here. And then I am  
15 going to turn it over to you to listen to your comments.

16 Several years ago the Department of Energy issued  
17 a presidential permit to two companies, Semptra and InterGen,  
18 to build transmission lines across the U.S. border to Mexico  
19 that would connect with two power plants that were built  
20 inside of Mexico. There were some objections to the manner  
21 in which we issued the permits and ultimately a court ruled  
22 that our underlying environmental analysis was inadequate  
23 and ordered DOE and BLM to go back and redo the  
24 environmental reviews.

25 What we decided to do is this Environmental Impact

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1 Statement. We published the draft EIS in May of this year  
2 and we distributed it to, hopefully, all of you who are here  
3 today and we opened up, I guess it was, a comment -- it's a  
4 comment period that will not close until July 30th.

5 So we distributed the draft and we're asking you  
6 to comment on it, and that's what we are here for tonight,  
7 to get comments about: Did we get the analysis right, did  
8 we miss some analysis generally in the contents of the  
9 document.

10 After -- I should have said this in the morning  
11 session -- after we get all of your comments, we are going  
12 to address each point that you make and publish a Final EIS  
13 and redistribute it to everybody, which is, also, an  
14 important reason why, if you happen to be here and want to  
15 get up and make any comments tonight, please fill out a card  
16 in the back with your name and address. We would like to  
17 mail you a copy of the EIS, even if you don't want to speak  
18 tonight.

19 How are we going to conduct this proceeding?  
20 Basically, we are going to be calling each one of you up to  
21 make any kind of comments you feel are necessary to make.  
22 We have a court reporter here tonight. That doesn't  
23 necessarily imply any higher degree of formality, it's not a  
24 court proceeding, we just want to make sure we don't miss  
25 anything that you say. It's no more important than that.

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1 But in deference to the court reporter, we'll sort of ask  
2 that you follow a couple basic things.

3 Every time you stand up, even if it's more than  
4 one time, please say who you are. She may not remember who  
5 you were with all the people that get up and speak. The  
6 first time you speak, please spell your name for her. Try  
7 to speak slowly and distinctly so she can catch everything  
8 you say.

9 Some of you are going to be using some kind of  
10 technical terms. You might want to spell it for her. If  
11 she is not able to hear you or doesn't know what you are  
12 saying, she reserves the right to raise her hand and ask you  
13 to spell it out for her. If she needs a break to change  
14 paper or rest her hands, she'll indicate that, also.

15 Tonight we have a couple of people who have some  
16 special attention. We have one gentleman who needs to speak  
17 first so he can leave and he also does not speak English.  
18 So we have a young lady from Congressman Bob Filner's Office  
19 here who's graciously volunteered to do the Spanish  
20 translation while he speaks.

21 And, also, seeing as she is representing  
22 Congressman Filner, she will be making her statement for  
23 the Congressman this evening in Spanish. I should ask if  
24 anybody would like to hear what she has to say in English?  
25 We certainly have English translations.

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## Document CAL01

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1 MS. INEZ GONZALEZ: I can say it in English, also.

2 MR. ANTHONY COMO: It's not that long, so you  
3 should probably say it in English, too.

4 So that's about it. We have the room until 8:00.  
5 We don't have an overwhelming number of people over here  
6 that signed up to speak. All I'm going to ask is maybe your  
7 initial time to get up and speak, try to limit it to around  
8 ten minutes, just in case some more people drag in later and  
9 decide they want to speak. We don't want to run out of  
10 time.

11 Clearly, if you have something more you want to  
12 say and we have finished with all the people and we have  
13 more time, you are more than welcome to come up and speak  
14 again. It's just that we have some time constraints and we  
15 don't want to use it all up at once, just in case people  
16 come in.

17 Okay. Our first speaker will be Senor Mendez.

18 MR. GODOFREDO MENDEZ (through the interpreter,  
19 Ms. Inez Gonzalez): Good afternoon. My name is Godofredo  
20 Mendez. He's a resident of Calexico. He has many knowledge  
21 about the Valley. And it seems to him that it's incorrect,  
22 what's happening with the land and with the water.

23 In the Valley, for many years, there's been a lot  
24 of activity in the agricultural area. And that production  
25 has served the whole nation and the areas around here.

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1 I have spoken at other meetings and they have  
2 answered to me with stupid responses. I'm not ignorant,  
3 even though I'm -- Mexican people think I'm ignorant, but I  
4 am not. I have told them about the problems that is  
5 happening because of the water and the electric current.  
6 And they've said every four years they are going  
7 to plow the land. And like I said, I'm not stupid to think  
8 that what they say is true.  
9 I know the Valley very well on all four sides. I  
10 know the prejudice that has taken place because of the  
11 energy from Palo Verde. They want to put up more electric  
12 energy, take away our water and there will be a time when we  
13 will have to give up our homes, because when the land dries  
14 up, we won't be able to stand all the dust that will come  
15 up. Many people have to leave their homes because they  
16 won't have work. With this, I'm sure you understand the  
17 abuse that is directed to the residents of the Valley.  
18 Thank you. Good evening.  
19 MR. ANTHONY COMO: Gracias, Senor.  
20 Just a disclaimer, Ms. Gonzalez was nice enough to  
21 translate, but she indicated she can't guarantee it's a  
22 verbatim translation. But we thank her very much, anyway.  
23 Another gentleman who asked to go to the front of  
24 the line, Mr. Menvielle.  
25 MR. JOHN PIERRE MENVIELLE: Good evening. My name

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CAL01-1  
(cont.)

## Documents CAL02 and CAL03

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1 is John Pierre Menvielle, and that's spelled J-O-H-N,  
2 P-I-E-R-R-E, Menvielle, M-E-N, V as in victor, I-E-L-L-E. I  
3 reside at 897 West Ross, R-O-S-S, Road, El Centro,  
4 California. I'm just going to make a very short statement.  
5 I am John Pierre Menvielle. I was born and raised  
6 in Calexico and I find it ridiculous that the Department of  
7 Energy has not yet recognized that regardless of what side  
8 of the border you are on, that we both share the same air.  
9 Thank you.  
10 MR. ANTHONY COMO: Thank you.  
11 Our next speaker will be Inez Gonzalez and she  
12 will be speaking for Congressman Filner. And she will also  
13 be making the presentation in Spanish.  
14 MS. INEZ GONZALEZ: My name is Inez Gonzalez. I'm  
15 the District Director for Congressman Bob Filner, and I read  
16 the same statement on behalf of the Congressman in the  
17 morning's hearing.  
18 For the benefit of those that speak Spanish, I  
19 plan to read it in Spanish, but I'll be glad to read it in  
20 English if there's anyone here that wasn't there in the  
21 morning, but there's many familiar faces here.  
22 (Whereupon Ms. Inez Gonzalez read the attached  
23 statement in Spanish.)  
24 MR. ANTHONY COMO: Thank you, Inez.  
25 MS. INEZ GONZALEZ: He wants to speak, again.

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CAL02-1

CAL03-1

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1 MR. ANTHONY COMO: Sure.

2 MR. GODOFREDO MENDEZ (through the Interpreter  
3 Ms. Inez Gonzalez): The Imperial Valley is very dirty. I  
4 was able to get the reservoir of water to be cleaned. It  
5 had about 3,000 tons of excrement of animals and humans. I  
6 told them how to clean it, but they didn't clean it well.

7 There's people that hate me because I tell them  
8 the truth. I have invited them to come and see the dirt,  
9 and they have not wanted to come. And, also, I have invited  
10 them to come and see the illegal activities that are taking  
11 place.

12 The reservoir for the water was built in 1982. In  
13 1995, I asked them to clean it, but they only did a -- they  
14 didn't do it right. They haven't been able to clean the  
15 water. I've been inviting officials and people to come and  
16 see, because they don't know what I'm talking about. I've  
17 asked them to come over to see, because it's the water that  
18 we drink.

19 I've asked that people in charge of the sanitary,  
20 the public services, to come because of the smell. Because  
21 when the water is dirty, they put too much -- I don't know  
22 what the word is -- chlorine.

23 I have information regarding the quality of the  
24 water in the plants. In the reports it says that the water  
25 is fine, but to be careful with people that have problems

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## Document CAL04

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1 with the kidneys because of the excess of chlorine because  
2 that harms the body, especially the kidneys.

3 MS. INEZ GONZALEZ: I think we are going another  
4 way, I'm just verifying with him that he understands what  
5 the meeting is about, the energy plants, and he didn't.

6 He apologizes. He didn't understand that this  
7 meeting was only for the power, the energy plants, and so he  
8 went on another tangent.

9 MR. ANTHONY COMO: We thank him for his comments.  
10 Our next speaker will be Pablo Orozco.

11 MR. PABLO OROZCO: Good afternoon. For the  
12 record, my name is Pueblo, P-A-B-L-O, Orozco, O-R-O-Z-C-O.  
13 I'm executive director of the Calxico New River Committee.  
14 I will be very brief with my comments.

15 MR. ANTHONY COMO: I'm having trouble hearing you.  
16 Maybe you need to speak a little closer to the microphone.  
17 It doesn't pick up very well.

18 MR. PABLO OROZCO: First, I would like to thank  
19 you for allowing our community to participate in these  
20 hearings and to work with you on these directly.

21 A little background. The Calxico New River  
22 Committee was founded in 2001, and has since been working to  
23 eliminate the negative impacts on the New River in the  
24 region. The New River is already a huge health and  
25 environmental threat to the people of the Imperial County

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CAL04-1

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1 and Mexicali valleys. It is the dirtiest river in North  
2 America carrying, among other wastes, the pollution of, at  
3 least, 10 million gallons per day of raw sewage into the  
4 City of Calexico.

5 The draft EIS acknowledges that there will be a  
6 reduction of water flow and water available from the New  
7 River resulting from the operation of the two departments.  
8 While any operation that takes treated or partially treated  
9 water out of the system reducing the total flow of the river  
10 necessarily contributes to the concentration of these  
11 contaminants and aggravates the health and environmental  
12 risks of our community.

13 Now, the California Regional Water Quality Control  
14 Board recently published a report entitled, "The National  
15 Alteration of the New River. This is from April 2004. And  
16 in it it reads, it reads: The InterGen and Semptra Energy  
17 Power plants combined utilizes possibly 500 liters per  
18 second of wastewater from the San Jose Lagunas. One of the  
19 power plants reportedly treats the incoming waste to a  
20 tertiary level before being used for it's cooling towers.  
21 The wastewater that you are international drain has high  
22 concentration of total solids and therefore contributes to  
23 an increased salinity level in the New River, ultimately the  
24 Salton Sea.

25 So just, in closing, we ask that the power plants

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CAL04-1  
(cont.)

CAL04-2

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1 provide full mitigation for any air pollution originating  
2 from their operations. We ask that the power plants  
3 implement alternative impact of pollution salinity on the  
4 New River and Salton Sea. But most of all we ask that the  
5 committee continue to be included in the process and that  
6 the people's health and welfare be considered the first  
7 priority as solutions are sought and decisions are made.

8 Thank you.

9 MR. ANTHONY COMO: Thank you.

10 Mr. Orozco, do you have a written copy of your  
11 presentation?

12 MR. PABLO OROZCO: I do.

13 MR. ANTHONY COMO: Could you provide it to the  
14 court reporter at your convenience?

15 MR. PABLO OROZCO: Sure.

16 MR. ANTHONY COMO: Thank you.

17 Kimberly Collins.

18 MS KIMBERLY COLLINS: Good afternoon. Thank you  
19 for coming again to our lovely City of Calexico. I wasn't  
20 sure about the 9:00 a.m. hearing.

21 MR. ANTHONY COMO: That's not us. The press got  
22 it wrong. Sometimes they do.

23 MS. KIMBERLY COLLINS: My name is Kimberly,  
24 K-I-M-B-E-R-L-Y, Collins, C-O-L-L-I-N-S. And I'm here today  
25 as a resident of Imperial County and as a taxpayer.

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CAL04-2  
(cont.)

Document CAL05

13

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1 And, first, I think just a small reminder should  
2 be made to all of those who are on the federal payroll right  
3 now, that the taxpayers of Imperial County contributed to  
4 the preparation of this report through their tax dollars.  
5 And I think that needs to be stated, because sometimes we  
6 get lost.

7 First, I'm not surprised by the findings of the  
8 report. I think it really contains the same old and tired  
9 way of thinking by the U.S. federal government bureaucracy  
10 that does not recognize that the U.S.-Mexican border is a  
11 region in which air, water, health issues and economies are  
12 shared. This way of thinking is clearly seen in the report  
13 on Page S-4, in which the map doesn't really extend into  
14 Mexico and is not to scale on the Mexican side. It portrays  
15 a sentiment that here we are on the U.S. side and there's  
16 some things going on over on the Mexican side, but we are  
17 not really sure what's going on over there. If we sort of  
18 kind of count it and not really count it in.

19 Air and water don't follow the political  
20 boundaries of governments. They follow the natural flow of  
21 the earth. The EIS must conduct a binational and regional  
22 analysis. To do otherwise is a half-completed job that does  
23 not address the real situation.

24 Two, I find it ironic that this review is  
25 occurring during the year of the 10th anniversary of NAFTA

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CAL05-1

CAL05-2

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1 and really shows the border region has become the dormant  
2 for NAFTA. It is a place to scrape your boots and as long  
3 as the moneys are still being sent to Washington, D.C., it's  
4 not a place to worry about human health problems,  
5 environmental degradation or future development of the  
6 region.

7 Ten years ago it was hoped by some that if NAFTA  
8 was pass and free trade in the Americas became a reality,  
9 the border would get much needed attention and funding.  
10 This clearly is not happening as seen by the results in this  
11 report. Instead of providing investment and infrastructure  
12 to begin sustainable development in the region, new projects  
13 that contaminate the area are being embraced.

14 Three, public interest, on Page S-7, I really  
15 think needs to be defined. There is a huge difference  
16 between the public interest regarding the environment and  
17 human health impacts and that of the current reliability of  
18 U.S. electric power. It is not, and I repeat not, in the  
19 public interest of Imperial County residents to have these  
20 two power plants for these following reasons:

21 One, socioeconomic impacts, which are addressed in  
22 Section 5.4.10. The costs to the local economy, which are  
23 not addressed sufficiently or appropriately by the draft  
24 EIS, will exceed any benefits that might possibly be  
25 derived, such as property taxes.

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14

CAL05-2  
(cont.)

CAL05-3

CAL05-4

Comment and Response Document

Imperial-Mexicali FEIS

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1 The local economic cost will include lost economic  
2 development opportunities as large companies are leery to  
3 come to areas that have high amounts of pollution.

4 There will also be public health costs that will  
5 be incurred by local governments to care for low-income  
6 residents, especially uninsured children.

7 There will also be costs to production to local  
8 businesses and individuals with sick days, be it a worker  
9 who is sick with respiratory illnesses and needs to take a  
10 day off to visit with the doctor or the worker with a sick  
11 child that has asthma.

12 These are just a limited example of possible costs  
13 that are not included in the draft EIS. I'm sure if someone  
14 did a further analysis they might find more.

15 Human health, Section 5.4.11. The human health  
16 issues are not addressed in the draft EIS. The  
17 Imperial/Mexicali valleys are already nonattainment areas  
18 for PM-10, ozone and et cetera. There are already severe  
19 levels of asthma and respiratory illnesses in the community.

20 I would hypothesis that there have already been  
21 additional human health impacts by these power plants just  
22 from the short time they have been running. I base this on  
23 to factors: The first, there has already -- I'm sorry --  
24 the first is that there was an already stressed environment  
25 and human health system. Additional pollution to that

CAL05-4  
(cont.)

CAL05-5

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1 system, even at small levels, can tip the scales and push  
2 health of local residents into a dangerous level.

3 By just talking to my co-workers in Calexico, I,  
4 along with them, have experienced an increase in respiratory  
5 infections over the past eight months. And I have had a  
6 consistent cough and problem with my voice since late last  
7 year. And I have always had allergies, so I'm in a  
8 sensitive population, but it has seriously gotten worse. If  
9 a stringent analysis was actually conducted on the health of  
10 the residents in the region, I'm sure that you would find  
11 that there has been an impact from the power plants.

12 Minority and low income populations,  
13 Section 5.4.12. The environmental justice issues have not  
14 sufficiently been answered. Imperial County is 73 percent  
15 Hispanic. The education rates are half the state average.  
16 The unemployment rates are three times the state averages.

17 The table on 3.9-2 is incorrect on Page 3-97. The  
18 unemployment rates are not 4.9 percent in the Imperial  
19 Valley. Last month they were over 18 percent. For 2003  
20 they were over 23 percent. We do not have a lower  
21 unemployment rate than the state average, and I'm sure you  
22 could do that easily just by walking out the door and  
23 looking at individuals who go into food lines looking for  
24 food and for health, for assistance for their families.

25 The draft EIS must go back and appropriately

CAL05-5  
(cont.)

CAL05-6

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1 address the environmental justice aspect of the power plants  
2 and the related transmission lines.

3 I'm going to step back a little bit. The issues  
4 outside the scope of the EIS from Section 1.3.2. This  
5 federal action does affect the global commons. Power plants  
6 are known to contribute to global warming. It is impossible  
7 to only recognize the transmission lines and not consider  
8 the power plants. They function together. Without the  
9 power plants, there would be no need to have the  
10 transmission lines and we wouldn't be here today.

11 Finally, this report, I believe, tells the  
12 residents/taxpayers of Imperial County and those residents  
13 of Mexicali that there will be impacts to our environment  
14 and health, but that our public interest does not matter to  
15 the DOE and that we are a poor disenfranchised people. If  
16 that doesn't scream environmental justice, then I don't know  
17 what does.

18 Thank you for your time and consideration. I'll  
19 e-mail my comments in the next couple days.

20 MR. ANTHONY COMO: Thank you, Miss Collins.

21 Ken Smokoska?

22 MR. KENNETH SMOKOSKA: Yes.

23 MR. ANTHONY COMO: Ellen just reminded me to  
24 remind you that the record or time to receive comments still  
25 remains open until July 30th. We don't consider statements

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CAL05-6  
(cont.)

CAL05-7

CAL05-8

## Document CAL06

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1 here any greater or lesser important than anything you might  
2 send us back home via e-mail or fax.

3 And the only thing I suggest, probably of all the  
4 ways you can get us comments, mailing it through the regular  
5 snail mail is probably the worse because DOE is still  
6 screening for Anthrax and it can take, like, months for us  
7 to get something and then it's crispy and shredded and  
8 everything else like that. So e-mail and fax is a much  
9 better way to get us your comments.

10 Thank you.

11 MR. KENNETH SMOKOSKA: My name is Kenneth  
12 Smokoska. I'll spell Smokoska, S-M-O-K-O-S-K-A. I  
13 represent the Sierra Club here in San Diego and Imperial  
14 Counties on air quality issues and I also represent the  
15 Sierra Club California on energy issues.

16 The Sierra Club has been actively involved in  
17 litigation on these power plants and air quality in Imperial  
18 County for a number of years. The Supreme Court recently  
19 passed on a chance to overturn a Ninth Circuit on Court of  
20 Appeals that ordered the Environmental Protection Agency to  
21 add this area to a list of communities with some of the  
22 worse air quality in the United States, a designation that  
23 would require them to spend more money in controlling  
24 pollution, yet the EIS had nothing in there for offsets for  
25 this air pollution.

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CAL06-1

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1 Secondly, these are definitely connected actions.  
2 The power plants, the transmission lines, the importation of  
3 LNG, are all connected and the accumulative effects are  
4 definitely inadequately addressed in the EIS.

CAL06-2

5 Alternative analysis was only considered for  
6 transmission lines, not the power plants. We feel that  
7 alternative energy production should have been considered  
8 due to the severe air quality in Imperial County.

CAL06-3

9 Further, continuing on the unemployment, we are  
10 requesting that a study of solar manufacturing plant versus  
11 natural gas/carb plants be commissioned. Our unemployment  
12 rate is at 20 versus 4.9 in the study. If you take into  
13 consideration studies recently that show that 700 percent  
14 more jobs are created with solar manufacturing per megawatt  
15 versus a natural gas power plant, that could have been  
16 potentially alleviated some of the unemployment issues and,  
17 also, the air quality issues.

CAL06-4

18 When you get into water, the Salton Sea has had a  
19 tremendous amount of studies done on it as far as the  
20 potential for the Salton Sea to be turned into another Owens  
21 Valley. Now, with the Owens Lake up in the eastern Sierras,  
22 that area has contributed to nonattainment areas throughout  
23 the Mohave, Lancaster and other areas and that. There's a  
24 significant chance that it will be exasperated and advanced  
25 by the water that's going to be diverted from the New River,

CAL06-5

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## Document CAL07

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1 both in evaporation and just straight into the cooling. So  
2 we definitely would like to have dry cooling considered in  
3 this action.

CAL06-5  
(cont.)

4 And, also, the offsets are imperative.

5 We will e-mail further comments in more detail.

6 Thanks.

7 MR. ANTHONY COMO: Thank you.

8 Carlos, if I come here another three years, I  
9 probably still won't be able to pronounce your name  
10 properly, so forgive me.

11 MR. CARLOS YRURETAGOYENA: Quite all right.

12 My name is Carlos Yruretagoyena. I'll spell it  
13 for you. Y-R-U-R-E-T-A-G-O-Y-E-N-A.

14 Again, thank you for allowing me to speak in this  
15 meeting. I am a resident from Mexicali. I am a Mexican  
16 citizen. And I thank you for allowing me to express my  
17 comments and my concerns related to the power plant issues.

18 For better or for worse, and for what it's worth,  
19 whoever wrote that document deserves some kind of  
20 accommodation and applause, because he must have, at least,  
21 identified five serious difficulties and one topic for  
22 reflection. And these are the ones that I identified.

CAL07-1

23 The scope of the study. The legal implications  
24 related to possible mitigation or restorations and in the  
25 event of an impact or a catastrophe, who will be the one to

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1 get blamed or be responsible to duly respond to the society  
2 of the community in which that accident would happen?  
3           The disparity in our environmental legislation  
4 between our two countries, the criteria that we use to  
5 conduct our own environmental impact studies and the absence  
6 of validated criteria and a solid background when it comes  
7 to particularly evaluating projects of this nature, projects  
8 that are being conducted and done and sponsored within the  
9 border region, a border region that has been defined under  
10 NAFTA and the CEC's agreements and that has been raised by  
11 the Keoto (phonetic) and the Rio summits. These  
12 considerations were not incorporated in this draft for many  
13 reasons, I would like to think.  
14           The other aspect is, whoever does generate this  
15 impact, will surely be either prosecuted or followed by  
16 whose courts? Ours or yours? And so there is this  
17 emptiness between who's responsible in responding to us, the  
18 community dwellers, if something goes wrong. It's foreign  
19 capital being invested in my country, so then your laws do  
20 not attain nor perpetrate or follow whoever has been  
21 investing in my country. And if the incident becomes a  
22 transnational incident, then the ones that are going to be  
23 locked with that issue are going to be the local residents,  
24 not the investigators.  
25           The other topic that really started getting my

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CAL07-1  
(cont.)

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1 mind to work is the topic for reflection, and what I'm  
2 asking: Who's the owner of these power plants? Who will be  
3 the owners of the power lines? Who are going to be the ones  
4 profiting from the marketing? And from that marketing, how  
5 many of those benefits are going to be continuously invested  
6 in our communities?  
7           Those are the five obstacles that I identified in  
8 that topic for reflection, which I think whoever wrote this  
9 document, which is a very heavy document to begin with,  
10 really deserves my applause, at least.  
11           Chairman Russell, this is what I have to say about  
12 the draft. The draft study has its scope limited only to  
13 the area that could be impacted or will be impacted by the  
14 transmission lines section that will be built in the United  
15 States site. Any other direct or indirect association was  
16 not undertaken in this study. So that lends it short in  
17 duty considering the overall implications of the risk  
18 assessments or the projections that were undertaken.  
19           And since such study only addresses the U.S. side  
20 of the transmission lines, it has omitted any other possible  
21 direct or indirect association, causes, impacts in health  
22 issues and restoration initiatives on urban, rural, land,  
23 soil, water and air, and that no swaps will be or have been  
24 taken into consideration.  
25           There might be south from the transmission of the

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CAL07-1  
(cont.)

CAL07-2

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1 energy, the construction of the power lines, but from its  
2 initial point of generation, not only as it comes across the  
3 border. Because if there's going to be an impact, it should  
4 be duly addressed and evaluated since it starts getting  
5 generated. And since the generation points are in Mexico,  
6 this draft did not include that. Because of the  
7 constitutional, legal implications which I duly recognize,  
8 it must have been very difficult for whoever was doing this.

9 The study does not incorporate any issues of  
10 transborder, binational nor NAFTA nor CEC environmental  
11 safeguards and public health guidelines to diminish and  
12 restore possible impacts. In that same respect, it has no  
13 possible risk and prevention measures scenarios for the U.S.  
14 side and for the Mexican side to address for the immediate  
15 area of influence or the border demarcation so as has been  
16 defined by NAFTA.

17 This situation clearly undermines, omits and frees  
18 from any possible responsibility the two respected Mexican  
19 partners Federal Electrica de Mexicali known as Semptra and  
20 Baja California Power known as InterGen, respectively.

21 I had a very tough time getting to read the MIA  
22 document that was supposedly structured by the Mexican  
23 companies. I did not have access to it nor have had access  
24 to it, not even on request through e-mail. So to me to do a  
25 comparison evaluation between to the studies has been almost

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CAL07-2  
(cont.)

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1 impossible. Therefore, I am assuming that the Mexican  
2 companies did a similar environmental impact study, as  
3 requested by the Mexican environmental laws. It's called  
4 the MIA, MIA. It's not missing in action. I just want to  
5 clarify that. That includes the same, similar or better  
6 criteria as it was stated in the May 2004 draft document.  
7 If such would be the case, then such study would also be  
8 scoped to the Mexican portion of the transmission line  
9 project and it would not include the U.S. side. Again,  
10 making it narrow-minded, narrow-focused.

11 In any case, neither have taken into consideration  
12 that possible contingencies, environmental impacts and  
13 health issues could or would occur with a binational  
14 component and as a result of their actions, commercial  
15 associations or partnerships, energy supplied projects and  
16 energy generation industrial processes. It is clear that in  
17 each case neither side have taken such implications in the  
18 projection or case-scenario contingency plans. It wasn't  
19 clear to obtain a copy nor I have access in the Internet, so  
20 I could not evaluate and compare the Mexican documents to  
21 contradict or support the comments I am making now.

22 It was also unclear to differentiate and learn the  
23 legal and physical nationalities and legal personality of  
24 all the parties involved in the energy generation process  
25 currently being developed in Mexicali. I would like to add

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CAL07-2  
(cont.)

CAL07-3

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1 here, to me, it's been very difficult to get to learn who's  
2 the legal entity on the other side of the border. If there  
3 is a blame or a complaint to follow up, who should we  
4 address it to? Would it be Semptra? Would it be InterGen or  
5 would it be Azteca or would it be all of these?

6 So there should be some kind of a clarification as  
7 to who are the legal, the legal parties involved so that if  
8 there's any community or public comments to be made or to  
9 follow, they should be the ones showing their face in these  
10 contingencies.

11 I've omitted intentionally any issues pertinent to  
12 the water, the soil, the natural resources, the air values,  
13 the health that might be affected, impacted, polluted or  
14 changed from its original biological, natural or ecological  
15 status within our region or influenced directly or  
16 indirectly by the power energy generation sources in Mexico  
17 and it's complete source of transmission. This we did in  
18 our first meeting, and so I think it was sufficiently clear  
19 information that was provided for all of you to actually  
20 take into consideration in your draft what would be some of  
21 the externalities that these two power plants and the  
22 project lines will have.

23 However, the draft -- and this is an initiative  
24 that has never been taken into consideration -- has never  
25 taken the step in creating a more sustainable holistic

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CAL07-3  
(cont.)

CAL07-4

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1 approach in actually correlating all these different impacts  
2 that will associate or be associated to what does it mean to  
3 have these two power plants in our region.

4 And the gain here of this is to actually give the  
5 rest of the border towns a breathing chance that whoever  
6 sets a new type of power plant in their community will have  
7 more constrained legal and environmental criteria to follow  
8 instead of the ones that we have done.

9 This has been a process in where only Mexico City  
10 knows what went on. There is no state nor county by  
11 California authority that can give us a clear answer to our  
12 questions. No one in Baja, California knows how it was that  
13 they got the permissions, did the studies and how was it  
14 that it got approved without public consent, without public  
15 notification and without Baja, California public  
16 involvement. And that is a true fact that is still evident  
17 in our state. So here we are talking legal and  
18 environmental matters in your way, and their partners are  
19 doing something else. So we don't know what the real deal  
20 here is.

21 In any case, such studies, however, did not take  
22 into consideration the external or externalities associated  
23 to the possible impacts that the power plants construction  
24 and operation, as well as the magnetic field increments case  
25 scenarios of risk would have effect on the two nations nor

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CAL07-4  
(cont.)

CAL07-5

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1 the public binational, local interest.

2 The draft study supposes, almost in good faith,  
3 nor mentions that a similar detail professional impact study  
4 for the power lines in the Mexican line has been conducted  
5 and submitted for public revision and comments. In that  
6 same respect, it also fails to mention of the revisions and  
7 reequations (phonetic) that have resulted from such  
8 initiative. Since this initiative has not been taken place,  
9 there are no reequations to that Mexican side of that MIA  
10 document.

11 In this respect, I can only comment that any  
12 document consultation, copying requests or a evaluation  
13 needs still be made directly to Mexico City, not the Energy  
14 Commission offices for access have been, in my case, denied.

15 This point in case is fundamental to know because  
16 of the limitations and responsibilities of the permit  
17 seekers on each of the sides of the border and the social  
18 commercial names stated on their respective companies. In  
19 any event, if they are responsible as legal entities to  
20 confront any given issue or correction of actions against  
21 them by the authorities or communities themselves.

22 Again, I thank you for allowing me to speak.  
23 Hopefully this time we'll get it right. Hopefully. And I  
24 know that it's a -- it is not easy when there is no  
25 criteria, there is no legal, constitutional mandates that

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1 will allow parties of the two nations to come together and  
2 do a binational evaluation. Not passing by, but  
3 incorporating mutually our laws and our environmental  
4 criteria that has never be done in the border towns.

5 That could be one of the most strongest  
6 suggestions that we could make. We need to work  
7 binationally so that if we are to do something right  
8 binationally that will benefit the two sides of the border  
9 fence, it should be with the undertaking of the two  
10 governments doing the same thing in the same place for the  
11 same people.

12 Thank you.

13 MR. ANTHONY COMO: Thank you.

14 MS. ELLEN RUSSELL: Carlos, is this the address  
15 you want us to use or should we use your Callexico address?

16 MR. CARLOS YRVRETAGOYENA: It is easier for you to  
17 send me anything to my P. O. Box, than it would be anything  
18 else.

19 MR. ANTHONY COMO: Mr. Bill Powers.

20 MR. BILL POWERS: Bill Powers with the Border  
21 Power Plant Working Group. Powers, P-O-W-E-R-S. What else  
22 am I supposed to provide? That's it.

23 I think, since we've got -- it's 7:00. I probably  
24 need a little more than ten minutes, but not a whole lot  
25 more. Maybe 20 minutes or so.

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CAL07-5  
(cont.)

Comment and Response Document

Imperial-Mexicali FEIS